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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,120	04/15/2004	George H. Hay	EZESP013	1479

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EXAMINER	
HECKERT, JASON MARK	
ART UNIT	**PAPER NUMBER**
1746	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/827,120	HAY ET AL.	
	Examiner	Art Unit	
	Jason Heckert	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/28/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "51" in figure 4 has been used to designate both the exterior sleeve and interior space of the conveyor system. Reference character "56" in figure 5 has been used to designate both the chain drive system and a device inside the chain drive system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "said discarding assembly" in line 10. There is insufficient antecedent basis for this limitation in the claim. Please revise the claim clearly claiming the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, 11-12, 22 rejected under 35 U.S.C. 102(b) as being anticipated by Petter et al. (Petter). Petter discloses a closed-loop washing system comprising a support platform 12, a collection trough 40 that is sloped toward a drainage fitting, serving the function as a collection basin, that is in communication with a separation assembly 14 for the removal of heavy solids to a discard region, and a tank 16 to hold both fresh and recycle water for reuse, thereby reading on the claimed clarifying tank. The collection trough is in flow communication with the support surface, and a portion of it delivers the waste fluids to the drainage fitting. This portion functions as a transport device, in that it is sloped to promote fluid movement toward the collection basin. Petter further discloses a pressure washer 18 in flow communication with the tank 16.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

> the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 11-16, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. (McCormick) in view of Petter. McCormick discloses a surface 9 adapted to support heavy objects and a collection device 20, in the form of an elongated receiving trough, positioned adjacent an edge of the support surface so that fluid may flow to the trough due to gravity (see figure 1). McCormick discloses that the trough can contain an automatic system such as a screw conveyor for continuous removal of solids (col. 5 lines 15-19). McCormick discloses various means to filter or clean the water and further discloses that it may be processed in known recycling systems and then reused (col. 5 lines 44-48). He also discloses the use of a pressure fluid washing system (col. 5 lines 24-26). However, he does not disclose a specific recycling system or a specific pressure washer. It would be obvious though, to implement the recycling system of Petter as discussed above, as it is a known means to clean and recycle water. Furthermore, Petter discloses the use of a pressure washer to delivery. In regards to claims 15 and 16, it is well settled that determination of optimum values of cause effective variables such as pressurized fluid flow rate is within the skill of one practicing the art. *In re Boesch*, 205 USPQ 215 (CCPA 1980). Furthermore, numerous pressure washers are known in the art capable of delivering fluid at these flow rates. It would be obvious to implement anyone of them, since they are comparable devices performing the same function of delivering fluids under pressure. It would have been obvious at the time of the invention, to modify McCormick, and include the recycling system of Petter, in order to recycle wash water of a cleaning facility/pad like that of McCormick.

9. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter and further in view of Simmons. As disclosed above, McCormick discloses a platform for cleaning objects with an associated trough that can be attached to known processing/recycling means such as that of Petter. Neither discloses a drag conveyor for removing high solids. Drag conveyors are notoriously well known in the art for removing heavy solids from water. Simmons discloses a drag conveyor immersed in slurry with a discard station 88, weirs 84, a motor 85, and an enclosure 78 for removing sludge and high solids. Another similar device is disclosed in U.S. Patent 3,811,252 to Evans et al. also for removing settled sludge and high solids. Such a device could be implemented in the recycling system of Petter, for example in tank 82 where the solids settle, to removed settled solids before the fluid enters the clarifying tank. In regards to claims 6-9, McCormick discloses an auger/trough system as stated above. It would have been obvious of the invention, to modify McCormick in view of Petter, as stated above, and further include a conveyor with lifts or weirs, as disclosed by Simmons, in order to remove the settled heavy solids.

10. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter in view of Simmons and further in view of Krenzel. McCormick does not disclose a flushing device, but discloses that the trough can contain an automatic system for continuous removal of solids (col. 5 lines 15-19). A flush or hose system to direct water into the trough is well known, and cannot be considered novel. Krenzel discloses such a system to ensure waste leaves the trough or collection device. It would have been obvious at the time of the invention to modify

McCormick, Petter, and Simmons, as stated above, and include a flush system to ensure waste leaves the collection device for further purification.

11. Claims 17-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter and further in view of Rippetoe et al. (Rippetoe). As previously stated, McCormick discloses the fact that various known water treatment systems can be used with the platform, but he does not specifically disclose a clarifying chamber. Petter discloses a tank for holding treated water, functioning as a clarification chamber in that contaminants are given time to separate naturally from the stored water. However, the tank of Petter does not contain the structures further described in the claims, such as baffles and weirs. Rippetoe discloses a water clarification system, especially pertaining to water contaminated with light contaminants such as grease and oil, comprising an array of baffles 62 aligned in a manner to encourage deposition of light solids (col. 6 lines 23-40), an over weir 76 defining a cleaner water chamber 74 proximate to one end of the array of baffles, and an inlet port 16 connected with a pump 17 located at an opposite end of said clarification system than the cleaner water chamber. The pump serves the purpose of delivering the contaminated water. Hence, the clarification tank, as described in the applicant's claims, is a known means to clarify water. It would have been obvious, at the time of the invention to modify McCormick and Petter as stated above, and further include the clarification tank of Rippetoe, in order to further promote the separation of lighter contaminants from water. Such a clarification tank could easily be fluidly connected with either the outlet 39 of the trough

of McCormick via a sump pump (McCormick col. 5 lines 2 – 7), or in place of or before tank 16 of Petter.

12. Claims 24-29, 33-35, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter and further in view of Blount. Both McCormick and Petter have frames with interior cavities, however neither McCormick nor Petter disclose using materials such as foamed concrete to reinforce the frame or pad. Specifically, McCormick discloses cavities formed by channels 25. Foamed concrete is commonly used in the art for filling void spaces or molds in order to provide reinforcement due to its known strength and flexural properties. Blount discloses various foamed concretes that can be used in such applications and their associated strength and flexural properties (col. 20 lines 52-60 col. 21 lines 10-20). The mere action of filling a void space with foamed concrete for increased structural integrity is known and cannot be considered novel, especially the interior cavity of a wash pad considering that such pads support heavy vehicles. It would have been obvious, at the time of the invention, to further modify McCormick in view of Petter as stated above, and fill the frame cavities 25 with a foamed concrete, like that disclosed by Blount, thereby providing extra reinforcement, a known quality of such concretes. Claims 29, 33-35, and 37-38 are rejected for the reasons stated in paragraph 8 above, being that McCormick and Petter already disclose these features.

13. Claim 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter in view of Blount, as stated in paragraph 12, and further in view of Simmons. The motivation and reason for this rejection is described in

paragraph 9 above. It would have been obvious of the invention, to modify McCormick in view of Petter in view of Blount, as stated above, and further include a conveyor with lifts or weirs, as disclosed by Simmons, in order to remove the settled heavy solids.

14. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter in view of Blount in view of Simmons, as stated in paragraph 13, and further in view of Krenzel. This motivation and reason for this rejection is described in paragraph 10 above. It would have been obvious at the time of the invention to modify McCormick, Petter, Blount, and Simmons, as stated above, and include a flush system to ensure waste leaves the collection device for further purification.

15. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Petter in view of Blount, as stated in paragraph 12, and further in view of Rippetoe. The motivation and reason for this rejection is described in paragraph 11 above. It would have been obvious, at the time of the invention to modify McCormick, Petter, and Blount as stated above, and further include the clarification tank of Rippetoe, in order to further promote the separation of lighter contaminants from water.

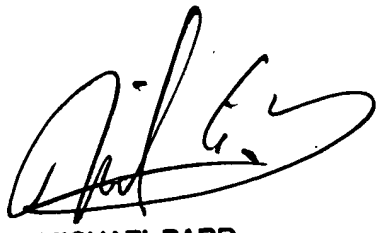
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER